

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Seanna R. Brown
Michael A. Sabella

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE REALTY;

MALCOLM H. SAGE, IN HIS CAPACITY AS
PARTNER OR JOINT VENTURER OF SAGE REALTY,
INDIVIDUALLY AS BENEFICIARY OF SAGE

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04400 (SMB)

REALTY, AND AS THE PERSONAL
REPRESENTATIVE OF THE ESTATE OF LILLIAN M.
SAGE;

MARTIN A. SAGE, IN HIS CAPACITY AS PARTNER
OR JOINT VENTURER OF SAGE REALTY AND
INDIVIDUALLY AS BENEFICIARY OF SAGE
REALTY; AND

ANN M. SAGE PASSER, IN HER CAPACITY AS
PARTNER OR JOINT VENTURER OF SAGE REALTY
AND INDIVIDUALLY AS BENEFICIARY OF SAGE
REALTY,

Defendants.

NOTICE OF FINAL PRETRIAL CONFERENCE

PLEASE TAKE NOTICE that on November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”) (Adv. Pro. No. 08-01789, ECF Docket No. 3141).¹ Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this Adversary Proceeding on November 30, 2010 (Adv. Pro. No. 10-04400, ECF Docket No. 2), the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter;

PLEASE TAKE FURTHER NOTICE that on November 30, 2010, the Trustee filed the original complaint against Defendants in the United States Bankruptcy Court for the Southern District of New York (Adv. Pro. No. 10-04400, ECF Docket No. 1). On or about January 25, 2012, the Trustee filed an amended complaint (the “Amended Complaint”) against Defendants

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed in the Order.

during the time that the reference of this adversary proceeding was withdrawn to the United States District Court for the Southern District of New York (Civil Case No. 11-cv-07668, ECF Docket No. 8);

PLEASE TAKE FURTHER NOTICE that on September 18, 2015, Defendants filed an Answer to the Trustee's Amended Complaint (Adv. Pro. No. 10-04400, ECF Docket No. 43) and pursuant to the Avoidance Procedures, the Trustee and Defendants (the "Parties") commenced discovery, which was completed on July 5, 2018;

PLEASE TAKE FURTHER NOTICE that pursuant to the Avoidance Procedures, on September 17, 2019, the Trustee filed a Notice of Mediation Referral (Adv. Pro. No. 10-04400, ECF Docket No. 100), wherein the Parties jointly agreed to enter mediation, and the mediation was completed on January 24, 2020 without a settlement between the Parties;

PLEASE TAKE FURTHER NOTICE that the mediator filed her final report on March 5, 2020 indicating that the mediation was unsuccessful (Adv. Pro. No. 10-04400, ECF Docket No. 104);

PLEASE TAKE FURTHER NOTICE that pursuant to Section 7 of the Avoidance Procedures concerning scheduling a pre-trial conference and trial, which provides that after all discovery has been completed and after the completion of mediation without a settlement, the parties to the Avoidance Action shall so inform the Court at the next scheduled Avoidance Actions Omnibus Hearing;

PLEASE TAKE FURTHER NOTICE that the final pre-trial conference in the above-captioned adversary proceeding has been scheduled for **March 25, 2020**, at **10:00 a.m.**;

PLEASE TAKE FURTHER NOTICE that the hearing will be held before the Honorable
Stuart M. Bernstein, United States Bankruptcy Judge and all trial counsel are required to attend.

Dated: New York, New York
March 5, 2020

Respectfully submitted,

/s/ Nicholas J. Cremona

Baker & Hostetler LLP
45 Rockefeller Plaza
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Seanna R. Brown
Email: sbrown@bakerlaw.com
Michael A. Sabella
Email: msabella@bakerlaw.com

*Attorneys for Irving H. Picard Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L.
Madoff*